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Paper No. 8

Applicant : John D. Werre
Appl. No. : 08/538,279
Filed : 10/02/95
For : TELESCOPIC MOUNTING
ALIGNMENT BARS

**REQUEST FOR
WITHDRAWAL OF
HOLDING OF
ABANDONMENT**

This is responsive to applicant's letter filed June 30, 1997, entitled "Request For Reconsideration of Holding of Abandonment."

An Office action was mailed on November 12, 1996 with a shortened statutory period for response of three months. On June 20, 1997, a Notice of Abandonment was mailed for failure to file a response to the outstanding Office action. Applicant then filed the instant request on June 30, 1997. On July 2, 1997, applicant's proposed response to the Office action was date stamped by the Office of Initial Patent Examination (OIPE), but the response contained a Certificate of Mailing date of February 11, 1997. Neither applicant's request for reconsideration nor the proposed response were promptly associated with the file. Subsequently, on December 8, 1997, applicant filed a petition to revive under 37 CFR 1.137(a). The application file was forwarded to the Office of Petitions for consideration of the petition to revive, but was then returned to the Examining Group for first considering the request previously filed on June 30, 1997.

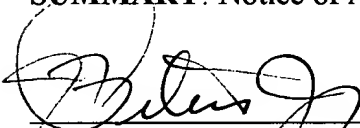
Although applicant's proposed response and return postcard receipt were not date stamped until July 2, 1997, applicant's representative, Harry M. Cross, Jr., has submitted a statement indicating that the proposed response was actually mailed on the date indicated in the Certificate of Mailing. Accordingly, the Notice of Abandonment mailed on June 20, 1997 is hereby withdrawn. The proposed amendment has now been entered in the file. Any inconvenience caused by the delays in administrative processing of applicant's proposed response to the previous Office action dated November 12, 1996, is sincerely regretted.

Applicant should carefully review papers containing a Certificate of Mailing to ensure accuracy thereof. It is noted that the paper received on June 30, 1997, which indicated that it was in response to the Notice of Abandonment issued on June 20, 1997, contained a Certificate of Mailing date of February 11, 1997. Apparently, this paper was drafted using a header from a previous communication and the date appearing on the Certificate of Mailing was not updated, but was signed by applicant's representative. Fortunately, it was not necessary to rely upon the Certificate of Mailing date for that particular paper.

In view of the withdrawal of the holding of abandonment, *supra*, the petition to revive filed on December 8, 1997 is not required. Accordingly, the petition fee of \$55.00 will be refunded in due course.

This application is being forwarded to the examiner for continued prosecution on the merits.

SUMMARY: Notice of Abandonment mailed June 20, 1997, *withdrawn*.



Joseph F. Peters, Jr.
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